

SECTION 1-08, PROSECUTION AND PROGRESS

April 7, 2003

1-08.10(3) Payment for Termination for Public Convenience

This section including title is revised to read:

1-08.10(3) Termination for Public Convenience Payment Request

After receipt of Termination for Public Convenience as provided in Section 1-08.10(2), the Contractor shall submit to the Contracting Agency a request for costs associated with the termination. The request shall be prepared in accordance with the claim procedures outlined in Sections 1-09.11 and 1-09.12. The request shall be submitted promptly but in no event later than 90 calendar days from the effective date of termination.

The Contractor agrees to make all records available to the extent deemed necessary by the Engineer to verify the costs in the Contractor's payment request.

1-08.10(4) Termination for Public Convenience Claims

This section including title is revised to read:

1-08.10(4) Payment for Termination for Public Convenience

Whenever the contract is terminated in accordance with Section 1-08.10(2), payment will be made in accordance with Section 1-09.5 for the actual work performed.

If the Contracting Agency and the Contractor cannot agree as to the proper amount of payment, then the matter will be resolved as outlined in Section 1-09.13 except that, if the termination occurs because of the issuance of a restraining order as provided in Section 1-08.10(2), the matter will be resolved through mandatory and binding arbitration as described in Sections 1-09.13(3) A and B, regardless of the amount of the claim.